

SENATE BILL 889

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 55, Chapter 50, Part 5, relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-505, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) The department may, upon receiving evidence sufficient to establish that a licensed driver is incompetent or otherwise not qualified to be licensed, upon written notice of at least twenty (20) days to the licensee, require such driver to submit to a driver license examination and submit any other information deemed appropriate by the commissioner. The department shall take action as may be appropriate and may suspend the license of such person or permit such driver to retain their license, or may issue a license subject to restrictions as permitted under § 55-50-331(d) and (e). Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension of the driver license.

(2) The department shall have evidence sufficient to believe that a licensee is incompetent or unqualified to retain a driver license on the basis of, but not limited to, a written report by:

(A) Any duly certified law enforcement officer, sheriff or member of the Tennessee highway patrol;

(B) Any physician, physical therapist, occupational therapist, chiropractic physician, registered nurse, psychologist or social worker duly licensed by the state; or

(C) Any member of the licensee's family, or spouse.

(3) Any report submitted to the department pursuant to this subsection shall state that the person reasonably and in good faith believes that the licensee cannot safely operate a motor vehicle and shall be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of safety and shall contain the name, address, telephone number, and signature of the person making the report.

(4) Any physician, physical therapist, occupational therapist, chiropractor, registered nurse, psychologist or social worker duly licensed by the state, may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals. Such report shall constitute evidence sufficient to believe that a licensee is incompetent or unqualified to retain a driver license.

(5) Any person who makes a report in good faith pursuant to the provisions of this subsection shall be immune from any civil liability or professional licensure sanction that otherwise might result from making the report. All reports made and all medical records reviewed and maintained by the department of safety under this subsection shall be treated as confidential except in compliance with a subpoena or an order of a court of record.

(6) The department shall keep records and statistics of reports made and actions taken against driver licenses under this subsection.

(7)

(A) The department shall develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers under this subsection. The commissioner shall provide health care professionals and law enforcement officers with information about the procedures authorized in this subsection.

(B) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with title 4, chapter 5.

(C) The guidelines and regulations implementing this subsection shall be in compliance with the Americans with Disabilities Act of 1990.

(8)

(A) Any person who knowingly violates a confidentiality provision of this subsection, or who knowingly permits or encourages the unauthorized use of a report, or reports a person's name in violation of this subsection, shall be guilty of a Class A misdemeanor and shall be liable for any actual damages.

(B) Any person who intentionally files a false report under this subsection shall be guilty of a Class A misdemeanor and shall be liable for any actual damages.

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a), is amended by designating the existing language of subdivision (12) as subdivision (A) and by adding the following language as subdivision (B):

(B) All reports made and all medical records reviewed and maintained by the department of safety pursuant to Section 1 of this act shall be treated as confidential except in compliance with a subpoena or upon order of a court of record.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it.